

MYSORE GOVERNMENT, GENERAL AND REVENUE SECRETARIAT
JUDICIAL DEPARTMENT

Legislative Council Section

Subject

File No. 220f 01-18

*Chief Commr's Report on the 10th 73rd Regula
Amendment Bill of 1902*

TABLE OF CONTENTS.

Serial No.	Communication No.	Date	From or to whom	Subject in abstract.
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Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Remarks of Mr B. Nagappa
on the draft Report of the
Select Committee appointed
for the consideration of the
Bill to amend the Com-
pound Regulation, III of Gov.

"I approve"

Perhaps this may be submitted
to the Dist. Council for con-
sideration.

~~MS~~
~~25/10/22~~ ~~in this connection the office~~
~~reports have been submitted to the~~
~~authorities.~~

Submitted for
information to the 1st Cr

28-10-07 will

28/10/07

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Sub

Remarks of the members of the Select Committee appointed for the consideration of the bill to amend the Court Fees Regulation on the draft Report

1) Mr. S. Narayana Rao, J. & A.

Instead of the word "the bill enacts" the words "the bill proposes to enact" may be substituted.

2) Mr. M. C. Rangaswami: -

"I have no remarks to offer beyond those I made at the Select Committee meeting."

3) Mr. A. Rangaswamiengar

"I agree to the above report."

Sub for information to see 18/10/07

22/10/07

22.10.07

22/10/07

I remain

(cc)

The Committee think it desirable to follow the wording adopted in Act VI of 1908, ~~namely~~ amending the Court Fees Act section 7 sub head XI corresponding to Section 4 sub head XI and propose accordingly as follows: —

Insert

(1) In sec 4 sub head XI after clause c, the following clause shall be inserted viz.
(cc) -

(2) Substitute "immovable property" for the word "land" in clause (c) and in the last para of section 4 sub section XI.

The adoption of the phraseology as

since our Courts follow the decisions of the British Indian Courts, the adoption of the phraseology ~~as exists in~~ ^{Act} British Indian will facilitate the working of the Act. The minimum of Rs 10 fixed will work as a hardship in the case of properties whose annual ~~rental~~ value is small and the number of cases ~~involving~~ such small properties is considerable.

The committee propose ~~propose~~ according

A BILL TO AMEND THE MYSORE
COURT-FEES REGULATION,
III OF 1900.

Whereas it is expedient to amend the Mysore Court-Fees Regulation, III of 1900: His Highness the Maharaja is pleased to enact as follows:—

1. In Section 4, clause V, after the words "land, houses and gardens," the words "except in the case provided for in clause XII" shall be inserted.

2. In Section 4, the following shall be added at the end:—

"XII. In suits by a lessor or a landlord against his lessee or tenant to recover possession of land, houses and gardens, leased or tenanted, the amount of fee payable shall be either a fixed fee of 10 rupees, or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two."

STATEMENT OF OBJECTS AND REASONS.

Under Section 4, clause V, of the Court-Fees Regulation, 1900, the court-fee payable in suits for possession of land, houses and gardens is regulated according to the amount of the value of the subject matter of the suit. This applies not merely to suits where the plaintiff's title to the property in dispute is contested, but also to ejectment suits where a lessor or a landlord seeks to recover possession of his own property from his lessee or tenant owing to the latter's non-payment of rent or other similar cause. It has been represented to Government (*vide* Subject No. 47 of the Representative Assembly of 1906) that this operates as a hardship on lessors and landlords who have to pay heavy court-fees even in ejectment suits. The object of the present bill is to amend the Court-Fees Regulation so as to remedy this hardship. The bill enacts that, in suits for possession by a lessor or landlord against his lessee or tenant, the court-fee payable shall be either a fixed fee of Rs. 10, or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two.

As a consequential change, a proviso is added, by the bill, excluding ejectment suits by lessors or landlords, from the operation of Section 4, clause V.

By Order,
K. MYLAR RAO,
Secy., Mysore Legislative Council.

a copy of this was
forwarded to members with
for amounts on 18th + 19th
1507
2007

22nd
We the Members of the Com.
mittee appointed for the Consider-
ation of the Bill to amend the
Court Fees Regulation III of 1500,
beg to report as follows:-

The bill enacts that in
suits for possession of land, houses
and gardens by a lessor or landlord
against ^{his} lessee or tenant, the
Court fee payable shall be either
a fixed fee of Rs 10/- or according to
the amount of the rent payable
for the year next before the date
of presenting the plaint, whichever
is ^{the} ^{of the two} greater. We think that the
minimum of Rs 10/- fixed will
work as a great hardship in
the case of properties whose annual
rental value is small. Considering
the fact that in ^{a large number of} ~~the majority of~~
cases coming before the Courts,
the annual rental value of
the properties involved is ~~very~~ ^{very} small, we are of opinion that
this minimum fee ^{should be removed} ~~be altogether~~
altogether. ^{The object which the Bill has in view is to secure the same for the benefit of the poor and the small tenants.}
after (C) under sub head XI of sec
4, which relates entirely to
suits between landlord & tenant,
as is done by the British Indian
Act II of 1505 amending the

The object which the Bill
has in view has been secured
in British India by Act VI of
1905 amending the Court Fees
Act of 1870 - Our Regulation
Court Fees Regulation being

Const. Dec. Act, 1870, on which almost the same as the British
our regulation is based, to the Indian enactment, we are of
same effect. We accordingly opinion that the ^{same} amendment
propose that the bill be amended ^{as} introduced in British India
thus:—
and in the same words,
may be adopted here.

Whereas it is expedient to accordingly propose to amend
Amend the Court Fee Regulation this the Bill as follows:—
His Highness the Maharaja is pleased
to enact as follows:—

i. In sec 4, subhead xi, of the
said Regulation,

(1) after clause (c), the following clause shall be inserted, namely, -

"(C). for the recovery of im-
moveable property from a tenant,
including a tenant holding over
after the determination of a
tenancy; and

(2) for the word "land" in both places in which it occurs, the words "immovable property" shall be substituted.

Report of the Select Committee.

We the members of the select committee appointed for the consideration of the Bill to amend the Court Fees Regulation III of 1900, beg to report as follows:-

The bill enacts that in suits for possession of land, houses and gardens by a lessor or landlord against his lessee or tenant, the court fee payable shall be either a fixed fee of Rs 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two. We think that the minimum of Rs 10 fixed will work as a great hardship in the case of properties whose annual rental value is small. Considering the fact that in a large number of cases coming before the courts, the annual rental value of the property involved is only very small, we are of opinion that this minimum

minimum fee should be removed altogether. The object which the Bill has in view has been secured in British India by Act VI of 1905 amending the Court Fees Act of 1870. Our Court Fees Regulation being almost the same as the British Indian enactment, we are of opinion that the same amendment may be adopted here and in the same words. We accordingly propose to amend the Bill as follows:-

" Whereas it is expedient to amend the Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:-

1. In section 4, sub head XI, of the said Regulation,

(1) after clause (c), the following clause shall be inserted namely,

" (c c) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy " ;and

(2) for the word " land " in both

places

Camp, Mysore.

19th October 1907.

Dear Sir,

I beg to forward herewith the accompanying copy
of the Draft Report of the Select Committee on the Bill
to amend the Court Fees Regulation III of 1900. and ~~to~~
to request that it may be returned early with your remarks

Yours obediently
Ananda Rao.

J. Ananda Rao Esq B.A.
First Assistant Member, Legislative C

I concur in the
Report
22/10/07

Report of the Select Committee.

We the members of the select committee appointed for the consideration of the Bill to amend the Court Fees Regulation III of 1900, beg to

t as follows:-

The bill ^{proposes to} enact^s that in suits for possession of land, houses and gardens by a lessor or landlord against his lessee or tenant, the court fee payable shall be either a fixed fee of Rs 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two. We think that the minimum of Rs 10 fixed will work as a great hardship in the case of properties whose annual rental value is small, ^{such as are} ~~Considering the fact~~ ^{Concerned} that in a large number of cases coming before the courts, ~~the annual rental~~

~~value of the property involved is only~~ ^{and therefore} very small, ~~we are~~ of opinion that thi

minimum ~~fee~~ should be removed altogether. The object which the Bill has in view has been secured in British India by Act VI of 1905 amending the Court fees Act of 1870. Our Court Fees Regulation being almost the same as the British Indian enactment, we are of opinion that the same amendment may be adopted here and in the same words. We accordingly propose to amend the Bill as follows:-

" Whereas it is expedient to amend the Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:-

1. In section 4, sub head XI, of the said Regulation,

(1) after clause (c), the following clause shall be inserted namely,

" (c c) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy "; and

(2) for the word " land " in both places

places in which it occurs, the words

"immovable property", shall be sub-

stituted."

2005

recd
19-10-57

Bysore

14 October 57

My dear Mr. Gylaa Rao.

I return herewith
the draft report of the
Select Committee on the
Court Fees Amendment
Bill which you forwarded.
Thus I think will do

with the slight modification
noted by me in pencil

Yours faithfully
S. Vanoy and Son

Report of the Select Committee.

We the members of the select committee appointed for the consideration of the Bill to amend the Court Fees Regulation III of 1900, beg to report as follows:

Proposes to

The bill enacts that in suits for possession of land, houses and gardens by a lessor or landlord against his lessee or tenant, the court fee payable shall be either a fixed fee of Rs 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two. We think that the minimum of Rs 10 fixed will work as a great hardship in the case of properties whose annual rental value is small. Considering the fact that in a large number of cases coming before the courts, the annual rental value of the property involved is only very small, we are of opinion that this minimum

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Whereas it is expedient to amend the Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:-

I. In section 4, sub head XI, of the said Regulation,

(1) after clause (c), the following clause shall be inserted namely,

" (c c) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy " ;and

(2). for the word " land " in both

places

places in which it occurs, the words
"immovable property", shall be sub-
stituted."

ms

Report of the Select Committee.

See my
amend to
the end
20.10.07

We the members of the select committee appointed for the consideration of the Bill to amend the Court Fees Regulation III of 1900, beg to report as follows:-

The bill enacts that in suits for possession of land, houses and gardens by a lessor or landlord against his lessee or tenant, the court fee payable shall be either a fixed fee of Rs 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever ever is the greater of the two. We think that the minimum of Rs 10 fixed will work as a great hardship in the case of properties whose annual rental value is small. Considering the fact that in a large number of cases coming before the courts, the annual rental value of the property involved is only very small, we are of opinion that this

minimum

minimum fee should be removed altogether. The object which the Bill has in view has been secured in British India by Act VI of 1905 amending the Court Fees Act of 1870. Our Court Fees Regulation being almost the same as the British Indian enactment, we are of opinion that the same amendment may be adopted here and in the same words. We accordingly propose to amend the Bill as follows:-

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1. In section 4, sub head XI, of the said Regulation,

(1) after clause (c), the following clause shall be inserted namely,

" (- c c) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy " ;and

(2) for the word " land " in both

places

places in which it occurs, the words

" immovable property ", shall be substituted."

revised

I agree with above Report

ASL says

$\frac{20}{10} = 2$

Tabroaper

28/10/17

Camp, Mysore.

19th October 1907.

Dear Sir,

I beg to forward herewith the accompanying copy
of the Draft Report of the Select Committee on the Bill
to amend the Court fees regulation III of 1900, and
to request that it may be returned early with your remarks.

Yours Sincerely,
K. N. S. Rao

M. C. Rangnagar Esq. B.A.
Member, Legislative Council

Report of the Select Committee.

We the members of the select committee appointed for the consideration of the Bill to amend the Court Fees Regulation III of 1900, beg to report as follows:-

The bill enacts that in suits for possession of land, houses and gardens by a lessor or landlord against lessee or tenant, the court fee payable shall be either a fixed fee of Rs. 10 or according to the amount of the rent payable for the year next before the date of presenting the plaint, whichever is the greater of the two. We think that the minimum of Rs. 10 fixed will work as a great hardship in the case of properties whose annual rental value is small. Considering the fact that in a large number of cases coming before the courts, the annual rental value of the property involved is only very small, we are of opinion that this

minimum

minimum fee should be removed altogether. The object which the Bill has in view has been secured in British India by Act VI of 1905 amending the Court Fees Act of 1870. Our Court Fee Regulation being almost the same as the British Indian enactment, we are of opinion that the same amendment may be adopted here and in the same words. We accordingly propose to amend the Bill as follows:-

" Whereas it is expedient to amend the Court Fees Regulation, His Highness the Maharaja is pleased to enact as follows:-

1. In section 4, sub head XI, of the said Regulation,

(1) after clause (c), the following clause shall be inserted namely,

" (c c) for the recovery of immovable property from a tenant, including a tenant holding over after the determination of a tenancy "; and

(2) for the word " land " in both places

places in which it occurs, the words

" immovable property ", shall be substituted.'

I have no remarks or
objection to
~~stated~~ at the Select
Committee meeting

M. C. C. C. C.
20561007.

200
20-10-07